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9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 GIL CROSTHWAITE, et al., as Trustees of the
12 OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
13 CALIFORNIA; et al.,

14 Plaintiffs,

15 v.

16 GOLDEN HILLS CONTRACTORS, INC., and
DONALD EDWARD WILSON, et al.

17 Defendants.
18

Case No.: C06-7779 JSW

**STIPULATION and REQUEST FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE
AND ORDER THEREON**

Date: December 21, 2007

Time: 1:30 p.m.

Location: 450 Golden Gate Avenue
San Francisco, California

Courtroom: 2, 17th Floor

Judge: The Honorable Jeffrey S. White

19
20 The parties herein hereby stipulate and respectfully request a Continuance of the Case
21 Management Conference currently on calendar for December 21, 2007, for the following reasons:

22 1. Counsel for Plaintiffs substituted into this action on or about June 6, 2007, and
23 thereafter reviewed the file of prior counsel to determine the content and status of the claims.
24 Plaintiffs' counsel contacted defendants Golden Gate Contractors, Inc. and its principal, Donald
25 Wilson, neither of whom had answered the complaint, to determine their position as to the claims
26 made by Plaintiffs.
27
28

1 2. Defendants represented that they would like to resolve the matter, but in
2 determining the amounts remaining in their claim, Plaintiffs found there was potentially an
3 additional claimant Trust Fund not currently a plaintiff, with separate counsel. Once Plaintiffs
4 determined that they will *not* seek leave to amend their complaint in this action to include an
5 additional plaintiff, demand for payment was made on those Defendants, who refused payment,
6 notwithstanding their prior representation.
7

8 3. The remaining amounts owed have recently been recalculated by Plaintiffs,
9 following payment by and dismissal of former defendant Travelers Surety and Casualty Company
10 of America, and the determination of no further amendment to the complaint.
11

12 4. Plaintiffs therefore contacted counsel for defendant Surety Company of the Pacific,
13 to determine its resulting position of payment on the bond of the remaining claim. That Defendant
14 reasonably requested an accounting of the balance of the claim, which Plaintiffs will provide.
15

16 5. If payment is promptly made on the bond, Plaintiffs will dismiss defendant Surety
17 Company of the Pacific from this action, and file their Motion for Default Judgment for the
18 amounts due in excess of the bond, against Golden Hills and its principal. In the unlikely event
19 that the bond payment is *not* promptly made upon Plaintiffs' provision of the requested
20 accounting, Plaintiffs will add to their motion a Motion for Summary Judgment against Surety
21 Company of the Pacific.
22

23 4. Plaintiffs and Surety Company of the Pacific therefore stipulate and respectfully
24 request that the Case Management Conference, currently scheduled for December 21 2007, be
25 continued for approximately 60-90 days to allow provision and review of the accounting, and for
26 Plaintiffs to resolve the remaining claim by motion.
27

28 5. It is furthermore requested that all previously set deadlines and dates related to this
case remain vacated to allow this matter to proceed as outlined above.

SALTZMAN & JOHNSON LAW CORPORATION

Dated: December 14, 2007

By: _____/s/_____
Muriel B. Kaplan
Attorneys for Plaintiffs

LAW OFFICES OF GEISSLER & NIMOY

Dated: December ____, 2007

By: _____/s/_____
Steven S. Nimoy
Attorneys for Surety Company of the Pacific

IT IS SO ORDERED.

The currently set Case Management Conference is hereby continued to
March 28, 2008 at 1:30 p.m., and all previously set deadlines and
dates related to this case are vacated, to be reset at that Conference.

Dated: December 17, 2007



THE HONORABLE JEFFREY S. WHITE